HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 27856 of 2007

27.12.2007

Between:

Varikunta Ganga Devi & others

… Petitioners

AND

The Special Collector (Land Acquisition),
Galeru Nagari Sujala Sravanthi, Sankarapuram,
Kadapa District & another

… Respondents

Counsel for the petitioners : Sri D. Kodandarami Reddy

Counsel for the respondents : Assistant Government Pleader for Land Acquisition

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O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not including certain structures 6belonging to the petitioners in notification dated 01.12.2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') and published in Vaartha Telugu daily newspaper, as illegal and arbitrary.

The petitioners in their affidavit filed in support of the writ petition pleaded that the structures belonging to them situated in Arundhatiwada of Varikunta Village, Atloor Mandal, Kadapa District are proposed for acquisition and notification under Section 4(1) of the Act was published on 02.12.2007 in Vaartha daily newspaper, that there are structures like Bodha Roof houses, Zinc sheet roofs and BJCR (Bridgical Jelly Concrete Roof) houses in existence on the said property. The grievance of the petitioners is that these structures are not included in the notification issued under Section 4(1) of the Act.

Heard Sri D. Kodanda Rami Reddy, learned counsel for the petitioners and learned Assistant Government Pleader for Land Acquisition.

Though the petitioners have not filed any material in support of the existence of the alleged structures, except the representations made by them to respondent No.2, I do not propose to non-suit the petitioners only for the reason because if there really exist such structures and they are not included in the notification, the petitioners cannot be denied compensation.

Since the issue whether the structures really exist or not can be ascertained only by making a personal inspection, I deem it appropriate to dispose of the writ petition with a direction to respondent No.2 to make a local inspection of the property, which is under acquisition, after giving advance notice to the petitioners, make the

personal assessment and include these structures, if they are found to be in existence under acquisition, if necessary, by issuing an addendum to the notification already issued under Section 4(1) of the Act.

Subject to the above observation, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No. 36432 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

27.12.2007

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